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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,795	03/09/2001	Bruce Matichuk	90537-0001	1394

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WASHINGTON, DC 20004

EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

09/801,795

Applicant(s)

MATICHUK, BRUCE

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0660801</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-23 are pending in this application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Okerlund et al (U.S. Patent 6,690,371, referred to as **Okerlund**).

#### **Claim 1**

Okerlund anticipates a processor (**Okerlund**, c 3, l 10-21); a computer memory coupled to said processor( **Okerlund**, c 3, l 10-21); and a screen fingerprinter stored in said computer memory, wherein said fingerprinter selects at least one region and/or pattern of the screens of the presentation space of a computer application to be captured such that said at least one region and/or pattern of each screen is unique (**Okerlund**, c 3, l 22-35; Examiner's Note (EN): a fingerprinter is simply the software that acquires specific screen presentation data related to at least one computer).

**Claim 2**

Okerlund anticipates said fingerprinter allows a user to modify which portion of a screen comprises said region and/or pattern and which attributes of said region and/or pattern to examine (**Okerlund**, c 3, l 35-47).

**Claim 3**

Okerlund anticipates said fingerprinter creates a decision tree based on said at least on region and/or pattern such that after each screen is compared to the region or pattern at each decision node, a screen identifier will come to a different end node of said decision-tree for each screen (**Okerlund**, c 8, l 28-42).

**Claim 4**

Okerlund anticipates said fingerprinter allows a user to modify said decision tree by modifying the comparisons at the decision nodes (**Okerlund**, c 3, l 35-47; c 8, l 27-50).

**Claim 5**

Okerlund anticipates a processor (**Okerlund**, c 3, l 10-21); a computer memory coupled to said processor (**Okerlund**, c 3, l 10-21); and a state recorder stored in said computer memory, wherein said state recorder records in said computer memory a planned domain file which comprises each screen of the presentation layer of a computer application, the keystrokes necessary to reach each state, the available actions from each state of each screen and the effect of any actions available each state through navigating said computer application in said user interface (**Okerlund**, c 3, l 10-47, c 4, l 20-40).

**Claim 6**

Okerlund anticipates said processor generates said file while a user navigates said another computer system in said user interface (**Okerlund**, c 4, l 37-42).

**Claim 7**

Okerlund anticipates said processor generates said file while automatically navigating said another computer system (**Okerlund**, c 4, l 29-36).

**Claim 8**

Okerlund anticipates a fingerprint of each screen is included in said file (**Okerlund**, c 4, l 20-40; EN: such would happen as each screen is remotely viewed).

**Claim 9**

Okerlund anticipates pre-conditions and post-conditions for each state are included in said file (**Okerlund**, c 4, l 54-63).

**Claim 10**

Okerlund anticipates a processor (**Okerlund**, c 3, l 10-21); a computer memory coupled to said processor (**Okerlund**, c 3, l 10-21); at least one computer application model stored in said computer memory (**Okerlund**, c 3, l 10-21); and a navigation planner stored in said computer memory (**Okerlund**, c 8, l 29-42; EN: a hierarchical data structure is a form of a navigation planner); wherein when said navigation planner receives a problem statement, said navigation planner accesses said at least one computer application model to create a plan of solving said problem statement and executes said plan (**Okerlund**, c 8, l 43-50; EN: problem statement is a change made to a slice and the execution follows a binary tree).

**Claim 11**

Okerlund anticipates when said plan fails, said navigation planner creates a new and different plan to solve said problem statement (**Okerlund**, c 8, l 60-67; EN: a new or different plan results from the addition or removal of a slice wherein the hierarchical data structure is changed).

**Claim 12**

Okerlund anticipates a processor (**Okerlund**, c 3, l 10-21); a fingerprinter (**Okerlund**, c 3, l 10-21; EN: a fingerprinter is simply the software that acquires specific screen presentation data related to at least one computer ); a recorder (**Okerlund**, c 3, l 10-21; EN: such is memory); and a user interface (**Okerlund**, c 3, l 36-47); wherein said fingerprinter selects at least one region and/or pattern of the screens of the presentation space of a computer application to be captured such that said at least one region and/or pattern of each screen is unique (**Okerlund**, c 3, l 22-35; EN: the extraction of medical image data will be unique); wherein said state recorder records in said computer memory a planned domain file which comprises each screen of the presentation layer of a computer application, the keystrokes necessary to reach each screen, a fingerprint of each screen, the available actions from each screen and the effect of any actions available in each screen through navigating said computer application in said user interface (**Okerlund**, c 3, l 10-47, c 4, l 20-40); wherein additional relationships between said screen can be input through said user interface such that said computer application model generator can model said computer application (**Okerlund**, c 3, l 36-47).

**Claim 13**

Okerlund anticipates a processor (**Okerlund**, c 3, l 10-21); a computer memory (**Okerlund**, c 3, l 10-21); a runtime agent stored in said computer memory (**Okerlund**, c 3, l 10-21; EN: run-time agent is an object (software) that is involved in the execution of the software and would of consequence be stored in the computer memory); and at least one computer application model stored in said computer memory, said model modeling at least one computer application (**Okerlund**, c 3, l 10-21; EN: such is the operation of a computer); wherein when said processor receives a problem statement, said runtime agent accesses said at least one computer application model to intelligently reason out a goal-oriented plan and accesses the modeled computer applications to execute the tasks necessary to solve said problem statement (**Okerlund**, c 8, l 60-67; EN: such is computer science and the addition or removal of a slice).

**Claim 14**

Okerlund anticipates taking a screen capture of each screen of the presentation layer of a computer application (**Okerlund**, c 8, l 27-67; EN: such are the slices) selecting areas of said screen captures to be examined for the presence of an attribute in said area (**Okerlund**, c 8, l 7-17; EN: such are ray definitions for every pixel) ; and creating a decision tree such that each of said screen captures has a unique end node of said decision tree (**Okerlund**, c 8, l 28-42).

**Claim 15**

Okerlund anticipates said areas (claim 14) are selected automatically (**Okerlund**, c 8, l 7-17).

**Claim 16**

Okerlund anticipates said areas (claim 14) are selected manually (**Okerlund**, c 3, l 36-47; c 8, l 7-17).

**Claim 17**

Okerlund anticipates said decision tree is created manually (**Okerlund**, c 3, l 36-47; c 8, l 27-47; EN: manual adjustments are made by the technologist which then affect the creation of the decision tree).

**Claim 18**

Okerlund anticipates accessing said computer application (**Okerlund**, c 3, l 10-21); navigating said computer application (**Okerlund**, c 8, l 27-47); and recording in a planned domain file each screen of the presentation layer of said computer application, the keystrokes necessary to reach each state of each screen of said computer application, the states of each screen, and the effect of any actions taken on each screen (**Okerlund**, c 3, l 10-21; c 8, l 17-67; EN: such is a typical computer operation).

**Claim 19**

Okerlund anticipates said computer application is navigated automatically (**Okerlund**, c 3, l 10-21; EN: computers run programs automatically; navigating from one program step to the next).

**Claim 20**

Okerlund anticipates said computer application is navigated manually (**Okerlund**, c 3, l 10-21; EN: computers require manual inputs to run automatically).

**Claim 21**

Okerlund anticipates receiving a problem statement at a computer system (Okerlund, c 3, l 10-21); accessing at least one computer application model that encapsulates information on how at least one computer application is controlled and/or data is accessed (Okerlund, c 3, 10-21; c 8, l 17-67); planning a path through said at least one computer application that will achieve the goal of said problem statement (Okerlund, c 3, l 10-21; c 8, l 17-67); and executing said path (Okerlund, c 3, l 10-21; c 8, l 17-67).

**Claim 22**

Okerlund anticipates taking a screen capture of each screen of the presentation layer of a computer application (Okerlund, c 8, 21-27); selecting areas of said screen captures to be examined for the presence of an attribute in said area (Okerlund, c 8, l 7-17); creating a decision tree such that each of said screen captures has a unique end node of said decision tree (Okerlund, c 8, 27-42); accessing said computer application (Okerlund, c 3, l 10-21); navigating said computer application (Okerlund, c 3, l 10-21; EN: same as running a computer application); and recording in a planned domain file each screen of the presentation layer of said computer application, the keystrokes necessary to reach each state of each screen of said computer application, the states of each screen, and the effect of any actions taken on each screen (Okerlund, c 3, l 10-21; c 8, l 17-67; EN: such is a typical computer operation).

**Claim 23**

Okerlund anticipates allowing a user to insert additional relationships and commands into said planned domain file (**Okerlund**, c 3, 36-47).

**Conclusion**

4. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

- McKaskle et al, U.S. Patent 5,481,741
- Turpin et al, U.S. Patent 5,745,712
- Barker, III, U.S. Patent 5,598,564
- Kavanagh et al, U.S. Patent 5,838,965

5. Claims 1-23 are rejected.

***Correspondence Information***

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

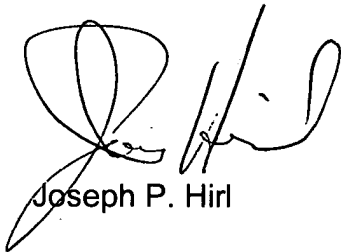
or faxed to:

(703) 872-9306 (for formal communications intended for entry);

or faxed to:

(571) 273-3685 (for informal or draft communications with notation of

"Proposed" or "Draft" for the desk of the Examiner).

A handwritten signature in black ink, appearing to read 'Joseph P. Hirl', is written over the printed name.

January 24, 2005